

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA :  
 :  
- against - :  
 :  
PHILIP ETKIN, :  
 :  
Defendant. :  
 :  
-----X

S 07 CR. 913 (KMK)

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that, upon the annexed affirmation of Kerry A. Lawrence, the accompanying Memorandum of Law, and all pleadings and prior proceedings herein, defendant PHILIP ETKIN, will move this Court, at the United States Courthouse, 300 Quarropas Street, White Plains, New York 10601, at a date and time to be set by the Court, to rule that, pursuant to Rule 14(a) of the Federal Rule of Criminal Procedure, the two charges set forth in the superseding indictment be severed and that the government be required to elect which charge should be tried first.

Dated: White Plains, New York  
April 18, 2008

BRICCETTI, CALHOUN & LAWRENCE, LLP

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Kerry A. Lawrence

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